



TOWN OF AMENIA

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PLANNING BOARD WORKSHOP THURSDAY, AUGUST 28, 2008

PRESENT: Chairman George Fenn
Tony Robustelli
Bill Flood
Jim Walsh
Michael Hayes, Attorney

ABSENT: Nina Peek
Gina Mignola
Norm Fontaine

MIKE PALEN/VON MERKATZ 2 LOT SUBDIVISION LEEDSVILLE ROAD AMENIA, NY

Mr. Palen represented himself. He and his wife bought property in the Downey subdivision. 10 years ago the Palen's and the VonMerkatz's applied for a subdivision of the 16 acres and was approved at that time. Due to circumstances we did not finish the subdivision. We would like to reintroduce the subdivision. Chairman Fenn stated the variances that were applied for are still good; however the subdivision process must start all over again. To start the process, they will need to speak with Nancy Brusie, the Zoning Administrator and update the Board of Health approval.

LRC PRE-APPLICATION LEEDSVILLE RD, RTE 343, RANDALL'S ROAD, AMENIA, NY

Ken Casamento, a representative of LRC, spoke to the Board. This is a 31 acre parcel and would like to make two lots approximately 15 acres each. There is DEC wetlands on both lots and has been validated by the DEC. The maps and application have been submitted and wanted to start the process. He showed the Board the maps. There are 5 acres in both lots of upland outside the wetlands. It does meet all the new zoning requirements and has some overlay districts; it is in the stream corridor district which is 100 feet away, also in the aquifer overlay district. They are above the flood zone. The application and EAF have already been submitted. At the September meeting a Public Hearing will be set.

KEAN STUD DEIS DEPOT HILL, AMENIA, NY

Brandee Nelson passed out to the Board responses to the comment letters Depot Hill received at the last meeting. The majority of the comments were straight forward, with minor changes. The letters received from Michael Hayes, Michael Soyka, Ted Fink and Dr. Klemens in addition a letter from the Hudson Group. A meeting is set up with the Hudson Group for next Wednesday.

Jeffrey Stark stated that it was not clear that the Hudson Group understood Depot Hill's submission and disagreed with it or whether we were not clear. We feel that we have disclosed what the issues

are and have done our best to calculate state aid formulas. We need to resolve our differences with the Hudson Group with the help of Michael Hayes then we will be happy to include in the DEIS the Hudson Groups calculation of the figures. For completeness we feel in both numbers is all that should be required. Ms. Nelson stated that there are potential impacts fiscally. The H.G. agreed with the tax revenue that would be generated, what is the potential number for school aid. The major issues have been resolved.

The packet that was passed out includes the comments that were unresolved from the consultants and our response to it. There are 13 graphics attached that needed minor changing requested by Mike Soyka or GreenPlan.

- Page 1 – Michael Hayes raised the issue of how we had broken out the equestrian center building and parking and combined it in the residential use and asked we recalculate. Mike Soyka asked for a map showing what all the use designation areas are. Table 1 is revised and on page 2 – Table 1-1 Summary of Usage – showing the new acreages. This relocates the acres. Bill Flood asked if there were going to be shuttle buses, vans or cars available but it shows no parking for that. Ms. Nelson replied there will be 2 vans and electric golf carts those will be stored in the dairy barn. This is addressed under shuttles.
- Page 3 – Traffic – would like to discuss this with Michael Hayes. It dealt with the shuttle and providing any mitigation. The clarification we would offer is the shuttle would reduce the need for 69 parking spaces at Metro North and we expect half of the users would use the shuttle to commute to Metro North station. Half does not relate to peak hours it relates to over the day. There is additional language during peak hours. Also the intersection of Dunn Road and Route 22 we are 5% of the volume of traffic at full build out. It is barely affected by Depot Hill. There will no truck traffic. There will be no increase in horse truck traffic.
- Page 10 – clarification regarding the qualitative assessment of visual impacts from the ESC memo. We can leave those statements in or take them out at the Board's request, but add the bold language in that paragraph. Michael Hayes felt this was marketing language. We will wait till ESC comments.
- Page 13 – striking language in regards to trouble spots for accident patterns. Route 343 and Mechanic Street, however, we would not be adding any significant traffic to that intersection. We will make the language changes Michael Hayes suggested.
- Page 14 – TND and changing the language. The word "waive" should be replaced with "determined" because our understanding is we don't need a waiver from the Board only a determination. Michael Hayes felt the term is fine and just restating the standard that is contained in the law rather than paraphrasing it.
- Page 15-16 – Compost Operation – Michael Hayes and MaryAnn Johnson questions raised. The set back for animal waste, section of Zoning Code 121-37. This was revised with the MDP and is included in the packet.

Bill Flood asked about the water. Mr. Stark said he had spoken with the Town Supervisor and the well testing had not been completed as of three weeks ago. Brandee Nelson limiting workforce housing compliance to either a fee contribution or water infrastructure upgrade, however they were not interested in sewer connection. The Town has been unable to find any bids for well testing, therefore requested the DEC reconsider another type of testing and submitted a letter to them. The Town is awaiting a response from the DEC. The Town was requested to test 3 or 4 wells. There has been well testing on the Kean Stud site that produces 50 gallons per minute. We would need two wells at that specific capacity. We are pursuing both options for the DEIS. If we don't connect with the town water, a supplemental well will be needed.

The Planning Board will make a determination on workforce housing, the donation to a town managed housing fund. The Town will have to adopt another Local Law.

- Page 17 - We have restated that paragraph. Michael Hayes stated he understood what is being said in 321.2 but concerned that section 2.3.1 was inconsistent. Similar language is needed.

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Mike Soyka's Memo - He felt all traffic issues have been resolved.

- Page 19 – Waiver for number of residences on each road. What portions of 105 apply and what portions do not apply for the RDO as we are doing a condo type development subject to a site plan as opposed to a sub-division. Michael Hayes - the Zoning Law states when doing a condo plan, which is basically single family homes, then you are subject to subdivision regulations in Section 105. Ms. Nelson and Michael Hayes will talk about this next week.
- The rest of Mr. Soyka's comments were straight forward with minor changes to SWPP notice of intent.

GreenPlan's comments begin on Page 27. The majority of these comments were straight forward. They asked for some figure revisions which we did. These are attached.

- Page 31 – Reconfiguration of the intersection at the base of Depot Hill/CR 81, prompted by a letter from Bob Balkine in April 2008. This has been looked at by the Town's consultants and Bob Balkine. They did a field visit. When we submit site plan, we submit plans for the intersection at that time. The Peek's property also needs to be resolved and the review of historic highway map for County Route 81 (old Route 22). Add the statement to the summary of impacts. Dutchess County will look at those plans when going to site approval.). Bill Flood asked how many entrances on Depot Hill. Ms. Nelson 2 on the north and 2 on the south. There will be no gates; however there will be an internal gate on the property so the homeowners cannot wander into the thorough-bred facility.

Dr. Klemens comments – 08/23/08:

- Page 37 – One house in Neighborhood 2 appears to be on slopes in excess of 30%. In Table 3-1 in the Geogology section based on bulk grading we impact two small areas totaling about 3900 square feet of 30% or greater. In the code for steep slopes defines over 5000 square feet. We will add language to clarify that point.
- Page 39 - Language changes for the Bog Turtle Report. Our consultant is on vacation this week and we will be back with Dr. Klemens next week on this issue.
- Chairman Fenn pointed out that Dr. Klemens was unable to locate the letter from the Planning Board to the DEC requesting feedback on the bog turtle issue as part of the SEQRA review.

Mr. Stark was hopeful that a Resolution of Completeness for the September meeting. Mr. Hayes felt that the consultants needed more time to go through this 41 page response. He will prepare it however, and it can be used when needed.

SILLO RIDGE

ROUTE 22, AMENIA, N.Y.

Mike Dignacco began by announcing to the Planning Board and audience that Silo Ridge is the one paying for the broadcast of the Planning Board meetings in order to inform the public who cannot attend the meetings. Chairman Fenn appreciated the gesture and thanked them.

Several topics were raised in the July and August meetings. Mainly there are three issues; they are visual analysis, water quality buffers and 30% slopes. There were residents who came to Silo Ridge for a presentation and one question that came up was the clarification of the plans. Mr. Dignacco then went over the history of which plan is portrayed in the visual analysis. Michael Hayes asked Mr. Dignacco if it included the moving of the winery the extra 25' and the coming up the 100' off Route 44 for the SPO buffer. He replied yes, it did. Dan Leary added this was all included in Appendix G of the revised draft of the FEIS.

Steve Baum from Virtual Sciences was introduced and proceeded with the presentation. Part of the scoping document called for 8 viewpoints to be assessed. These 8 viewpoints are: Viewpoint 1-3 from DeLaVergne Hill looking south, Viewpoint 4 looks northwest to the Winery building; Viewpoint 5 is on Route 22, Viewpoint 6 is on Dunn Road, Viewpoint 7 is on Depot Hill and Viewpoint 8 is in front of Walt Culver's home. So you will see the original existing conditions planned (photographs) and then will show the mitigated built version of the project from Viewpoint 1. Mr. Baum has provided a Winery analysis that will show driving Route 44 as you approach the hairpin curve. Mr. Baum began stating the view begins to unfold as you get past the stand of trees and the winery is back from that point. Some of the viewpoints have a single viewpoint some have two or three to take in the entire field of view. Mike Dignacco stated that in calculating the impact, .5 percent of the overall image has structures that are visible. The winery will probably be a stone building, shingle roof, wood timbers, some trellises, some grapes and an area to sit outside. The next picture is taken from the Sheriff's substation looking back up the hill. Originally there was planned development on the side of the hill that has now been removed from the plans. To the right would be the vineyard cottages. The viewpoint from County Route 81 due to the topography of the land the development is blocked. Per Mr. Janes, Silo provided grading. Mr. Baum explained they worked with Mr. Janes and took the proposed grading plan and turned it into three-dimensional terrain. Mr. Dignacco pointed out that in the Habitat Management Plan this area was mostly grassland between the buildings. But based on comments received, it was better to increase the buffer between Route 44 and the buildings to 100 feet. This will be planted with trees instead of grassland area. Viewpoint 7, due to comments from the visual consultant we were requested to take out trees. Viewpoint 8 is protected by the terrain. These viewpoints are in plan form at the Town Hall for anyone to view. Mr. Baum then went through the methodology that was employed for the analysis. Chairman Fenn felt the new pictures were fantastic.

Mike Dignacco spoke about the Habitat and Buffer Management Plan. There were many questions regarding what was going to happen to the golf course and the perimeters around the golf course regarding water quality. We worked with Chazen engineers, Els Design and Audubon Environmental to create this Habitat Management Plan. Dr. Carl Strauss, senior Manager of Ecological Services for Chazen was introduced. Mr. Dignacco stated his qualifications. Dr. Strauss then went through the Habitat Management Plan and its objectives. They have striven to avoid impact and protect sensitive ecological resources on the site, which are top priorities. If this is not possible, they have tried to minimize or if necessary mitigate impacts to ecological resources. They have enhanced existing ecological resources and restored damaged ecological resources. There will also be a monitoring program to assess the efforts and protect into the future. Dr. Strauss showed a map before and then one for after for the Habitat Management Plan. There are different habitats: grassland habitat, aquatic and wetland habitat and forest habitat, golf course, currently developed areas. The first is aquatic edge habitat which is stream side and pond side. There will be a creation of additional aquatic habitats through the storm water management program. So the aquatic habitat has been increased. This rolls into and includes a buffer management program, protecting these sensitive and aquatic edge habitats.

This will be incorporated and applied with a program developed by Audubon International. The Habitat Management will be rolled into the Natural Resource Management Program. There will be the removal of 12 acres of forested habitat, two types of grassland habitat, low and high and there will be no net loss of wetlands. One small wetland will have a slight impact of less than one-tenth acre. There will be a permanent wet pool and we will expand some of the existing ponds on the site. The golf course redesign will be a professional style links golf course. There will be a net increase of grassland habitat of 74 acres on the golf course. The consultants and the Planning Board were very interested in the Buffer Management System. This protects aquatic edge habitats. There is a 100 foot buffer around the large wetland on the southern site. A number of investigations on site for endangered and threatened species were performed. The middle of the site sports a number of aquatic habitats. There are large ponded areas, a perennial stream and this is where the dusky salamanders have populated. There is a 100 foot buffer around the wetland. The northern part of the site will be determined as they get to site plan. The areas that are currently in cropland will be converted to permanent grasslands. There will be a net increase of additional 15-20 acres of grassland habitat.

There are two large restoration projects to be done on the site. One in the northeastern portion is a section of the stream that is badly eroded and needs to be rehabilitated. The second further south is a flood plain restoration project, which was initiated at the request of the NYSDEC. They also have scheduled a habitat and wetlands restoration project in the lower area of the site. There is roughly 42,000 feet of aquatic edge habitat on site. We will increase that about 1300 feet. There will be 30 feet more or less buffers around the aquatic edge along 35,000 feet. This is a voluntary program. With the storm water management habitats and the expanded pond habitats there will be an additional 7700 feet of aquatic edge habitat, 75 percent will be buffered.

There have been concerns from the Planning Board and its consultants regarding the storm water management ponds. One is located within 100 feet of the Amenia Brook edge. They will remove it to a more secure location. In regards to the dusky salamanders they have agreed to decrease the area of the residential unit, modify the roadway and decrease the actual impact on the buffer on this site.

Mike Camann showed the Board and audience what a 30% slope looks like with a model.

Barbara Beall, Certified Professional Wetlands Scientist and Director of Wetland Services and Peter Romano, Director of Civil Engineering both with the Chazen Companies were introduced. Mr. Romano stated by saying that 30% slopes were built on in many instances. The Planning Board asked to take a look at the 30% slopes along the western ridgeline. Figure 3.1-1B in the FEIS with 30% slopes in rose color. They pulled some of the single family residences out of the 30% slopes, pull a portion of the road, and pulled some houses away from Stream J. Those homes were relocated toward the southern part of the site. There will be 9 acres less of tree clearing due to the road change, however gaining ½ acre more of impervious area in order to lengthen the road and driveways.

USDA Maps – Mr. Romano went on to say the maps identified in the DEIS is more of a figure that gives a representative of soil parameters for the soils on site. The developer must be cautious as they proceed with the development and further investigations are warranted. This was just a preliminary geotechnical investigation. When site plan approval is done there will be more testing done in detail. The architects will need this information in order to design their buildings. Chairman Fenn asked if this was the area on the north side of Route 44. He said the investigation already done was two borings done on the north side of 44 and then scattered

borings along the single family road, by the wetland and also the hotel. There were close to 30 borings done. It concluded that the site was suitable. Mike Camann added that this was in response to a discussion with Dr. Klemens and he asked if the engineer looked at this. That is when we checked with Mike Soyka to confirm that these are not unusual conditions for development. Bill Flood added he had had a conversation with Mr. Soyka last week as well and had come to the same conclusion.

Barbara Beall gave a brief working history for the Board and spoke regarding development on the 30% slopes. At the August 7th, 2008 meeting Dr. Klemens had asked that they examine the relationship between slopes, steepness and buffer in the area around DEC wetland and AM-15. He asked if there was a need to maintain a greater than 100 foot adjacent area if there is development on steep slopes. AM-15 is in the southeast corner of the site, however the buildings located on steep slopes is outside the 100 foot adjacent area. This was addressed in the FEIS, 3.2-43-GP49B recently submitted. Figure 3.2-4A also describes that. The engineers have done a number of things to ensure that the development of the building on the top of this slope does not result in adverse impacts to the wetlands. Nowhere in this project are any impacts extending into the DEC 100 foot adjacent area. In her opinion the project will not impact DEC wetland AM-15 and that planting in the other areas of the buffer will increase habitat.

Jim Walsh asked what the proposed plantings were. Probably it may be a shrub and sapling to start off with, then things like red osier dogwood, red maples, green ash, American elm, the type presently in the wetland. Presently there is phragmites as well as multiflora rose. Dr. Strauss added that the Habitat Management Plan addressed that. They will inventory the present conditions and plant the same materials and species that are found there.

Mr. Dignacco stated that concluded tonight's presentation and would like to be on the agenda for next week's meeting. Mr. Leary added on August 25 the second revised draft of the FEIS was submitted and also August 21st a response to the Hudson Group's analyses regarding the school aid formula. On August 13th we had a telephone conference with Darlene Tegsa of the NYS Education Department. We are offering another approach to the state school aid calculation from the Hudson Group. We need your response on that before we incorporate it into the FEIS. Michael Hayes said he had an email from David Gaskill from the Hudson Group indicating that he had seen Mr. Leary's letter. He emailed a memo to Mary Ann Johnson; however she is on vacation this week. Mr. Hayes will try to get the memo and get it out to people before the weekend so this issue can come to a close. Chairman Fenn felt that was the last open issue under fiscal. He also added that he had received a call from Ann Conroy from the Dutchess County Economic Development Corporation and she has offered to come to discuss the fiscal impacts in connection with the Silo Ridge proposal. Mr. Dignacco felt she wanted to clarify some of the net economic benefits region wide for the project. Chairman Fenn stated she could come next week.
Meeting adjourned at 9:40 P.M.

Respectfully submitted,

Susan M. Metcalfe
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on August 28, 2008 and are not to be construed as the final official minutes until so approved.

 X Approved as read

 Approved with: deletions, corrections and additions